

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

HAROLD KIYUKLOOK, Individually,
and as Legal Guardian of M.K., a
minor child,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 3:23-cv-00089-SLG

ORDER RE UNOPPOSED MOTION FOR PARTIAL SUMMARY JUDGMENT

Before the Court at Docket 34 is a Motion for Partial Summary Judgment filed by Defendant United States. The United States moves for summary judgment as to Beverly LeMaster and community health aides Lisa Toolie, Lila Akeya, Dorothy Kava, and Judith Pelowook, asserting that “[s]ummary judgment is appropriate as to these providers because Plaintiff has not established under the Federal Tort Claims Act (‘FTCA’), 28 U.S.C. §§ 1346(b), 2401(b), 2671-80 and Alaska medical malpractice law that these deemed federal employees breached the standard of care.”¹ Plaintiff Harold Kiyuklook responded in non-opposition at Docket 36.

Federal Rule of Civil Procedure 56(a) directs a court to “grant summary

¹ Docket 34 at 1-2.

judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” The burden of showing the absence of a genuine dispute of material fact lies with the movant.² If the movant meets this burden, the non-moving party must demonstrate “specific facts showing that there is a genuine issue for trial.”³

Because there is no dispute of material fact as to the claims against Beverly LeMaster and community health aides Lisa Toolie, Lila Akeya, Dorothy Kava, and Judith Pelowook, IT IS HEREBY ORDERED THAT the United States’ Motion for Partial Summary Judgment at Docket 34 is **GRANTED**.

DATED this 8th day of November 2024, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

² *Celotex Corp. v. Catrett*, 477 U.S. 317, 325 (1986).

³ *Id.* at 324 (quoting Fed. R. Civ. P. 56(e)); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248-49 (1986).